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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 APR 25 AM 10:55

UNITED STATES OF AMERICA, Plaintiff, v. **Gustavo Antonio NAVARRO-Cardenas,** Defendant	Magistrate Docket No. '08 MJ 1280 ECL COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 23, 2008** within the Southern District of California, defendant, **Gustavo Antonio NAVARRO-Cardenas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF APRIL 2008

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Gustavo Antonio NAVARRO-Cardenas

PROBABLE CAUSE STATEMENT

On April 23, 2008, Border Patrol Agent E. Caliri was performing line watch duties in the Imperial Beach Border Patrol Station area of operations. At approximately 9:48 PM Agent Caliri observed a group of seven individuals running north in an area known as "Whiskey 8." This area is located approximately 50 yards north of the U.S./Mexico International Boundary Fence, and one and a half miles west of the San Ysidro, California Port of Entry.

Agent Caliri responded to the area and after a brief search encountered seven subjects attempting to conceal themselves in dense brush. Agent Caliri identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and immigration status. All seven, including one later identified as the defendant **Gustavo Antonio NAVARRO-Cardenas**, freely admitted to being citizens and nationals of Mexico without any immigration documents which would allow them to enter or remain in the United States legally. All seven were placed under arrest and were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 25, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.